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OFFICE OF PETITIONS

In re Application of :
Albert et al. :
Application No. 09/896,546 : DECISION ON PETITION
Filed: June 29, 2001 :
Attorney Docket No. INK-022CN2 :

This is a decision on the "RENEWED PETITION UNDER 37 C.F.R. 1.182," filed March 29, 2004, requesting that the above-identified application be accorded a filing date of June 29, 2001 by virtue of an incorporation by reference of the omitted drawings.

Application papers in the above-identified application were deposited on June 29, 2001. However, on August 1, 2001, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. On September 6, 2001, applicants timely filed the initial petition, asserting that, even if submitted without drawings, the instant application, as filed, should be accorded the filing date of June 29, 2001, and a priority date of July 20, 1995, based on an incorporation-by-reference of application No. 09/140,988.

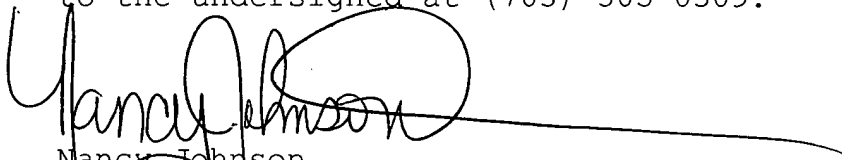
By decision mailed March 8, 2004, it was concluded that the application-as-filed included an incorporation by reference statement. However, the petition had to be dismissed because it did not include a copy of the omitted drawings (13 sheets) with a preliminary amendment requesting their entry.

On instant renewed petition, applicants submitted the omitted drawings and the preliminary amendment.

In view thereof, the petition under § 1.182 is GRANTED. The amendment will be entered by the examiner in due course. Of course, the examiner is expected to review the specification to determine if it contains new matter. Further, the issue of a priority date of July 20, 1995 is not one at issue on petition.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for according of a filing date of June 29, 2001, using the application papers received in the Office on that date and the 13 sheets of informal drawings supplied on petition filed March 29, 2004.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0309.



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